



Guardianship Accountability Act

Introduced by Senators Susan Collins (R-ME) and Bob Casey (D-PA)

Why do we need the Guardianship Accountability Act?

Courts may appoint a guardian to care for an individual due to a disability, injury or illness, such as the onset of dementia, or in some cases, a mistaken belief that because of a certain disability, injury or illness, an individual is unable to make decisions about their health or welfare. There are an estimated 1.3 million adult guardianship cases in the United States and an estimated \$50 billion of assets under guardianship.

Guardians are entrusted with significant power over individuals who rely on their support. A guardian's authority can range from deciding where an individual will live and when to seek medical care, to choosing if family members are allowed to visit and how to spend retirement savings. Unscrupulous guardians acting with little oversight have used guardianship proceedings to obtain control of vulnerable individuals and have then used that control to liquidate assets and savings for their own personal benefit. Recent stories of abuses in the guardianship system demonstrate a continued and pressing need for guardianship reform.

What will the Guardianship Accountability Act do?

The Guardianship Accountability Act would ensure individuals under the care of guardians are not at risk of abuse or neglect by expanding the availability of federal demonstration grants, so funds can be used for developing state guardianship databases to collect information on guardians, training for court visitors, and sharing information on guardian background checks with appropriate entities. It would also establish a National Resource Center on Guardianship, which would be tasked with:

- Collecting and publishing information relevant to guardianship for use by guardians, individuals subject to guardianship, as well as courts, states, local governments and community organizations;
- Publishing model legislation and best practices;
- Compiling and publishing training materials for guardians;
- Promoting the use of less restrictive alternatives such as supported decision-making;
- Sharing research related to guardianship; and
- Maintaining a database on state laws regarding guardianship and the use of less restrictive alternatives, and the restoration of rights.